

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

CRL.A.No. 11 of 2001()

**CC.420/1998 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I,
TRIVANDRUM**

APPELLANT: COMPLAINANT

**SREENIVASAN EMBRAN, S/O. NARAYANAN EMBRAN,
T.C. 37/408, KOTTAKKAKAM, VANCHIYOOR,
THIRUVANANTHAPURAM.**

**BY ADV. SRI.G.GOPALAKRISHNAN NAIR
SRI.R.BINDU (SASTHAMANGALAM)
SRI.R.JAYAKRISHNAN**

RESPONDENTS: ACCUSED AND STATE

- 1. SURENDRAN NAIR, T.C. 37/404,
KOOVAKKARA MADAM, KOTTAKKAKAM,
THIRUVANANTHAPURAM.**
- 2. V.KESAVAN POTTY, T.C. 37/417(1),
KOOVAKKARA MADAM, KOTTAKKAKAM,
THIRUVANANTHAPURAM.**
- 3. MAVELIKKARA PRABHAKARA VARMA,
SREEPADAM THERUVU, KOTTAKKAKAM,
THIRUVANANTHAPURAM.**
- 4. RAMACHANDRA IYER, TC. 37/1489, SASTHA SOUNDS
PUNNACKAL LANE, KOTTAKKAKAM,
THIRUVANANTHAPURAM.**
- 5. HARI NARAYANAN @ KUTTAN, T.C. 37/425,
KOOVAKKARA MADAM, KOTTAKKAKAM,
THIRUVANANTHAPURAM.**

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- 6. S.PADMANABHAN POTTY, T.C. 37/409, KOOVAKKARA MADAM, KOTTAKKAKAM, THIRUVANANTHAPURAM.**
- 7. VENKITESWARA IYER, 'SREE GANESH', T.C. 37/3420-I, KOOVAKKARA MADAM, THIRUVANANTHAPURAM.**
- 8. DR.R.R.VARMA, SREYAS, T.C. 37/444, KOOVAKKARA MADAM, KOTTAKKAKAM, THIRUVANANTHAPURAM.**
- 9. T.P.SUBRAMANIAM, TC. 37/344, KOOVAKKARA MADAM, KOTTAKKAKAM, THIRUVANANTHAPURAM.**
- 10. HARIHARA IYER, T.C. 37/423, KOOVAKKARA MADAM, KOTTAKKAKAM , THIRUVANANTHAPURAM.**
- 11. GIREESHKUMAR, T.C. 37/74, THEKKENADA, KOTTAKKAKAM, THIRUVANANTHAPURAM.**
- 12. L.SREEPATHI, TC. 29/1129, RAVI VARMA MADAM, SREEKANTESWARAM, THIRUVANANTHAPURAM.**
- 13. P.S.RAVEENDRAN NAIR, S.S.D.C., OPPOSITE SIDE OF VYKUNDAM, KALYANAMANDAPAM, KOTTAKKAKAM, THIRUVANANTHAPURAM.**
- 14. M.SUBHRAMANI, TC. 37/356, KOOVAKKARA MADAM, THIRUVANANTHAPURAM.**
- 15. S.RAJU, TC. 37/427, KOOVAKKARA MADAM, THIRUVANANTHAPURAM.**
- 16. K.VENUGOPAL, KAILAS, SREEKANTESWARAM, THIRUVANANTHAPURAM.**
- 17. VISWANATHAN, TC.37/351, ARASUMMOOD, KOOVAKKARA MADAM, THIRUVANANTHAPURAM.**
- 18. RAMWAWAMI, TC. 37/374, KOOVAKKARA MADAM, THIRUVANANTHAPURAM.**
- 19. SASIKUMAR, TC.36/346, DECENTMUKKU, PALKULANGARA, THIRUVANANTHAPURAM.**
- 20. KANNAN @ MOTTA, TC. 37/616(2) CHETTUPARA, KOTTAKKAKAM, THIRUVANANTHAPURAM.**

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- 21. K.PRADEEP, TC. 37/425, KOOVAKKARA MADAM,
KOTTAKKAKAM , THIRUVANANTHAPURAM.**
- 22. STATE OF KERALA REP.BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR

**THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 22/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

tss

K.R. UDAYABHANU, J.
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CRL.A.NO.11 OF 2001-A
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DATED THIS THE 22ND OCTOBER 2007

JUDGMENT

The appellant is the complainant in C.C.No. 420/1998 in the file of the Judicial Magistrate of First Class-I Thiruvananthapuram, with respect to the proceedings initiated under Section 120(b), 109 and 500 I.P.C. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. It is the case of the appellant that on the particular day, he happened to be absent on account of wrong noting of the posting date.

In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 26-11-2007. The court below shall issue fresh summons to the accused/respondent. The appeal is allowed.

K.R. UDAYABHANU, JUDGE

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K.R. UDAYABHANU,J.

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JUDGMENT

22-10-2007

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